

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAIRBURN, GEORGIA AND THE SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST A CITY OF ATLANTA WATER MAIN AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION PROJECT #0006913 TO MAKE IMPROVEMENTS TO OAKLEY INDUSTRIAL BOULEVARD FROM JONESBORO ROAD TO WEST OF STALWART DRIVE; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5066 (2009A WATER & WASTEWATER BOND FUND) 170408 (DWM DRINKING WATER ENGINEERING SERVICE) 5414002 (FACILITIES OTHER THAN BUILDINGS/INFRASTRUCTURE CIP) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD ORGANIZATION EXPENDITURE AND ACCOUNT NUMBER 17110893 (UTILITIES GDOT & MUNICIPAL) 101 (TASK) 506621876 (2009A WATER & WASTEWATER BOND FUND) COA); AND FOR OTHER PURPOSES.**

**Review List:**

Jo Ann Macrina	Completed	05/03/2013 4:14 PM
Patrick McShane	Completed	05/06/2013 1:01 PM
Mayor's Office	Completed	05/06/2013 1:03 PM
Office of Research and Policy Analysis	Completed	05/07/2013 9:35 AM
City Utilities Committee	Completed	05/17/2013 6:23 PM
Atlanta City Council	Pending	
Atlanta City Council	Pending	

**HISTORY:**

05/14/13      City Utilities Committee      **FAVORABLE**

<b>RESULT:</b>	<b>FAVORABLE [6 TO 0]</b>	<b>Next: 5/20/2013 1:00 PM</b>
<b>MOVER:</b>	Yolanda Adrean, Councilmember, District 8	
<b>AYES:</b>	Wan, Shook, Archibong, Adrean, Smith, Watson	
<b>AWAY:</b>	Clarence "C. T." Martin	

Certified by Presiding Officer	Certified by Clerk
<p style="text-align: center;">Mayor's Action</p> <p style="text-align: center;"><i>See Authentication Page Attachment</i></p>	

**RESOLUTION  
BY**

**A RESOLUTION BY CITY UTILITIES COMMITTEE AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF FAIRBURN, GEORGIA AND THE SOUTH FULTON COMMUNITY IMPROVEMENT DISTRICT, ON BEHALF OF THE DEPARTMENT OF WATERSHED MANAGEMENT, TO RELOCATE AND/OR ADJUST A CITY OF ATLANTA WATER MAIN AND RELATED FACILITIES IN CONJUNCTION WITH THE STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION PROJECT #0006913 TO MAKE IMPROVEMENTS TO OAKLEY INDUSTRIAL BOULEVARD FROM JONESBORO ROAD TO WEST OF STALWART DRIVE; ALL CONTRACTED WORK SHALL BE CHARGED TO AND PAID FROM FUND DEPARTMENT ORGANIZATION AND ACCOUNT NUMBER 5066 (2009A WATER & WASTEWATER BOND FUND) 170408 (DWM DRINKING WATER ENGINEERING SERVICE) 5414002 (FACILITIES OTHER THAN BUILDINGS/INFRASTRUCTURE CIP) 4440000 (DISTRIBUTION) AND PROJECT TASK AWARD ORGANIZATION EXPENDITURE AND ACCOUNT NUMBER 17110893 (UTILITIES GDOT & MUNICIPAL) 101 (TASK) 506621876 (2009A WATER & WASTEWATER BOND FUND) COA); AND FOR OTHER PURPOSES.**

13-R-3116

WHEREAS, the State of Georgia Department of Transportation (“GDOT”), the City of Fairburn, Georgia and the South Fulton Community Improvement District (collectively the City of Fairburn, Georgia and the South Fulton Community Improvement District are referred to herein as “Project Sponsors”) are currently undertaking GDOT Project #006913 for the purpose of designing and constructing certain transportation facility improvements to Oakley Industrial Boulevard from Jonesboro Road to west of Stalwart Drive (“Project”); and

WHEREAS, the Project Sponsors are responsible for, among other things, competitively procuring a contractor for constructing the Project, securing all necessary rights of way for the Project, and resolving all utility conflicts affecting the Project; and

WHEREAS, the City of Atlanta (“City”) Department of Watershed Management (“DWM”) has an existing 16-inch water main, fire hydrant, water meters and other water related facilities (“Facilities”) located within the Project limits; and

WHEREAS, the Facilities present a conflict with the construction of the Project and must be relocated and/or adjusted to accommodate the Project, and DWM also desires to make certain necessary improvements and upgrades to the Facilities as part of the Project; and

WHEREAS, by including the relocation and/or adjustment of the Facilities into the Project, the City gains the benefit of eliminating or reducing costs associated with asphalt and sidewalk restoration, erosion and sedimentation control, mobilization and traffic control; and

WHEREAS, the costs of the required Facility relocation and/or adjustment to be incurred by the City are estimated not to exceed Three Hundred Three Thousand, Eight Hundred Eighty Seven Dollars and Fifty Eight Cents (\$303,887.58) (“City Contribution”); and

WHEREAS, the DWM and the Project Sponsors have determined that the most effective and economical means of relocating and/or adjusting the Facilities is to include the work as part of the Project, according to the terms and conditions contained in the Intergovernmental Agreement (“Agreement”) attached hereto and incorporated herein as Exhibit “A;” and

WHEREAS, sufficient funds are available for the City’s portion of the cost of the Project from Fund Department Organization and Account Number 5066 (2009A Water & Wastewater Bond Fund) 170408 (DWM Drinking Water Engineering Service) 5414002 (Facilities Other Than Buildings/Infrastructure CIP) 4440000 (Distribution) and Project Task Organization and Account Number 17110893 (Utilities GDOT & Municipal) 101 (Task) 506621876 (2009A Water & Wastewater Bond Fund) COA; and

WHEREAS, the Commissioner of the Department of Watershed Management recommends that DWM enter into an Intergovernmental Agreement with the Project Sponsors for the relocation and/or adjustment of the Facilities as part of the Project in an estimated amount not to exceed Three Hundred Three Thousand, Eight Hundred Eighty Seven Dollars and Fifty Eight Cents (\$303,887.58).

THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY RESOLVES, that the Mayor, or his authorized designee, is authorized to enter into an Agreement with the City of Fairburn, Georgia and the South Fulton Community Improvement District, in substantial form as the agreement attached hereto as Exhibit “A,” to include relocating and/or adjusting the Facilities as part of the Project in an estimated amount not to exceed Three Hundred Three Thousand, Eight Hundred Eighty Seven Dollars and Fifty Eight Cents (\$303,887.58); and

BE IT FURTHER RESOLVED, that City Contribution shall be paid to the City of Fairburn, Georgia in an estimated amount not to exceed Three Hundred Three Thousand, Eight Hundred Eighty Seven Dollars and Fifty Eight Cents (\$303,887.58); and

BE IT FURTHER RESOLVED, that the City Attorney is directed to prepare all appropriate documents for execution by the Mayor, or his authorized designee; and

BE IT FURTHER RESOLVED, that the Agreement will not become binding on the City and the City will incur no liability under it until it has been executed by the Mayor, attested to by the Municipal Clerk, approved as to form by the City Attorney and delivered to the City of Fairburn, Georgia and the South Fulton Community Improvement District; and

BE IT FINALLY RESOLVED, that all services for the Project shall be charged to and paid from Fund Department Organization and Account Number 5066 (2009A Water & Wastewater Bond Fund) 170408 (DWM Drinking Water Engineering Service) 5414002 (Facilities Other Than Buildings/Infrastructure

CIP) 4440000 (Distribution) and Project Task Award Organization Expenditure and Account Number 17110893 (Utilities GDOT & Municipal) 101 (Task) 506621876 (2009A Water & Wastewater Bond Fund) COA.